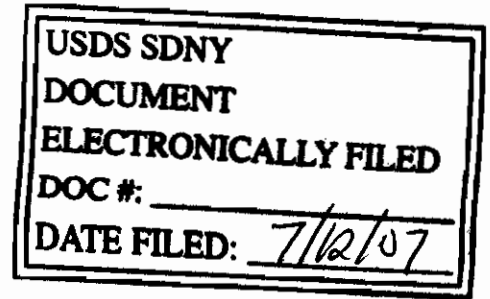




**MEMO ENDORSED**



**MICHAEL A. CARDOZO**  
Corporation Counsel

**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

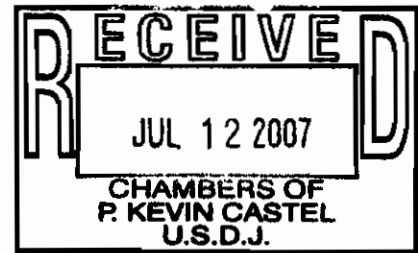
**SABRINA TANN**  
Phone: (212) 442-8600  
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stann@law.nyc.gov

**BY HAND DELIVERY**

Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

*Amended  
S. O. ORDERED  
USDS  
7-12-07*

July 11, 2007



Re: Gregory Kleine v. City of New York et al., 07 CV 5887 (PLC)

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that defendant City of New York's time to answer or otherwise respond to the complaint in this action be enlarged sixty (60) days to and including September 11, 2007.<sup>1</sup> I have conferred with plaintiff's counsel, Andrew Laskin, Esq., and he consents to this initial sixty (60) day enlargement of time.

The complaint alleges, *inter alia*, that on May 4, 2007, New York City Transit Officer Moscoso and other unidentified members of the New York City Transit Police Department employed excessive force against him in violation of his federal constitutional rights. As a threshold matter, an enlargement of time will allow this office to forward to plaintiff for execution an authorization for the release of the underlying criminal records, if any, and his medical records. Defendant cannot obtain these records without the authorizations, and without

<sup>1</sup> A check of the docket sheet reveals that an Affidavit of Service of Summons and Complaint has been filed with respect to the individually named defendant Leonardo Moscoso in this action. This office has not discussed with the individually named defendant the manner of service and we make no representation herein as to the adequacy of process. The complaint is vague as to whether Officer Moscoso is a member of the NYPD or the NYC Transit Authority. However, assuming that he is an employee of the NYPD, in the event service was properly effected, the City respectfully requests that the same enlargement of time be granted to Leonardo Moscoso so that his defenses are not jeopardized while representational issues are being decided.

the records, defendant cannot properly assess this case or respond to the complaint. Accordingly, defendant requires this enlargement so that this office may obtain the underlying documentation, properly investigate the allegations of the complaint and fulfill its obligations under Rule 11 of the Federal Rules of Civil Procedure.

No previous request for an enlargement of time has been made. Accordingly, defendant respectfully requests that its time to respond to the complaint be extended to and including September 11, 2007.

I thank Your Honor for considering this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sabrina Tann', with a stylized, cursive script.

Sabrina Tann (ST 2552)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Andrew Laskin, Esq.  
Robinson & Yablon  
Attorney for Plaintiff  
(By Facsimile)